

**BEFORE THE UTTAR PRADESH STATE INFORMATION COMMISSION,
LUCKNOW Appeal under Section 19(3) of the Right to Information Act,
2005**

Appeal No.: _____/2025

Details of the Appellant:

- **Name:** Kamlesh Singh
- **Address:** Village Kothara Kantit, Balua, Post Office Shri Nivas Dham, District Mirzapur, PIN Code: 231313
- **Email ID:** kamleshsingh8127195424@gmail.com
- **Mobile Number:** 8127195424

Versus

Details of the Respondents:

1. Public Information Officer (PIO):

- Om Prakash Singh, ASP Operation, Mirzapur, PIN Code: 231001

2. First Appellate Authority (FAA):

- Somen Verma, Senior Superintendent of Police, Mirzapur, PIN Code: 231001

Subject: Second Appeal under Section 19(3) of the Right to Information Act, 2005, against the arbitrary, incomplete, and misleading information provided by the PIO and the subsequent failure of the FAA to provide relief.

Most Respected Commissioners,

The Appellant, named above, respectfully submits this Second Appeal against the order of the First Appellate Authority (FAA) dated 06/09/2025, which summarily disposed of the appeal without ensuring the provision of complete and satisfactory information as sought by the Appellant.

1. Chronology of Events:

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- **RTI Application Filed (SPMZR/R/2025/60189):** 14/07/2025
- **Reply from PIO:** Disposed of on 11/08/2025, stating, "1 एम बी से अधिक सूचना अपलोड न होने के कारण शेष सूचना आपके पते पर प्रेषित है ।" (Due to upload limit exceeding 1 MB, the remaining information has been sent to your address). The Appellant contends that no such complete information was ever received.
- **First Appeal Filed (SPMZR/A/2025/60037):** 13/08/2025
- **Order from FAA:** Disposed of on 06/09/2025. The FAA arbitrarily closed the appeal by uploading the same misleading report previously provided by the PIO/APIO.

2. Brief Facts of the Case: The Appellant sought specific information related to the inaction of the Jigna Police Station regarding a complaint of land grabbing and stamp duty theft (Complaint No. 60000230077406), where a significant loss to the public exchequer was officially recorded (Stamp Case Nos. D202316530000370 & D2023165000370).

3. Information Sought (Point-wise): The Appellant sought clear, point-wise information on the following:

1. The reason for allowing the opposite party to erect a wire fence on disputed land, despite the Station House Officer (SHO), Jigna, having given an assurance to the contrary.
2. The status of recovery of the evaded stamp duty, considering the Jigna police allowed the offenders to illegally take possession of the land in question.
3. The reason for not registering a First Information Report (FIR) for land grabbing against the offenders, despite having assured the Appellant that the status quo would be maintained.

4. Grounds for Second Appeal (With Legal Support): This appeal is based

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on the following grounds:

- **A. Denial of Information and Provision of Misleading Information [Violation of Section 7(1) & 7(2)]:** The PIO's response was not only evasive but also misleading. Claiming to have dispatched information that never arrived, or was incomplete, is a classic tactic to obstruct the flow of information. This amounts to a "deemed refusal" under the Act. Providing vague and irrelevant summary reports, as alleged in the First Appeal, constitutes a failure to provide information as defined under the Act.
- **B. Non-Application of Mind by the First Appellate Authority [Violation of Section 19(1)]:** The FAA, as a quasi-judicial authority, egregiously failed in its statutory duty. Instead of judiciously considering the merits of the appeal, the FAA (SSP Somen Verma) merely uploaded the very same misleading and vague report that was earlier provided by the APIO/CO Lalganj. This action demonstrates a complete non-application of mind, as it arbitrarily disposes of the appeal without directing the PIO to furnish the specific, point-wise information sought, thereby rendering the first appeal process a mere formality and a futile exercise.
- **C. Information Sought is in Overwhelming Public Interest:** The information pertains to the accountability of the police in a matter involving significant financial loss to the state and alleged land grabbing. The Hon'ble Supreme Court of India has repeatedly held in cases like *S. P. Gupta v. Union of India* that transparency in the functioning of public authorities is a cornerstone of democracy. The public has a right to know why the police allegedly failed to act, permitted illegal possession, and did not register an FIR.
- **D. Entitlement to Penalties and Disciplinary Action [Under Section 20(1) & 20(2)]:** The actions of the PIO and the concerned APIO, who forwarded a misleading report, appear to be a deliberate attempt to deny information without reasonable cause. This is further

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- compounded by the FAA's mechanical disposal of the appeal. Such conduct attracts the penalty provisions under Section 20(1) of the RTI Act. Furthermore, the persistent furnishing of incomplete and misleading information warrants a recommendation for disciplinary action under Section 20(2).

5. Prayer: In light of the above facts and legal grounds, the Appellant humbly prays that the Hon'ble Commission may be pleased to:

1. **Direct** the Respondent PIO to provide complete, accurate, and point-wise information on all three queries raised in the original RTI application, free of cost, forthwith.
2. **Impose** the maximum penalty on the PIO under Section 20(1) of the RTI Act, 2005, for knowingly providing incomplete and misleading information and causing an unreasonable delay.
3. **Recommend** disciplinary action against the PIO and the concerned APIO (Lalganj) under Section 20(2) of the Act for their role in obstructing the furnishing of information.
4. **Award** suitable compensation to the Appellant for the detriment, time, and resources lost in pursuing this matter through multiple stages.
5. Pass any other order or direction as the Hon'ble Commission may deem fit and proper in the interest of justice and transparency.

Declaration: I, Kamlesh Singh, hereby state that the information and facts provided in this appeal are true to the best of my knowledge and belief. I also declare that the matter has not been previously filed or is pending with any other court or tribunal.

Date: October 04, 2025 **Place:** Mirzapur

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(Kamlesh Singh) The Appellant

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List of Enclosures:

1. Copy of the RTI Application dated 14/07/2025.
2. Copy of the PIO's reply/disposal status dated 11/08/2025.
3. Copy of the First Appeal dated 13/08/2025.
4. Copy of the FAA's order/disposal status dated 06/09/2025.
5. Copy of Identity Proof of the Appellant.

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